

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALVIN WASHINGTON,	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 22-CV-0888
	:	
UNITED STATES,	:	
Defendant.	:	

ORDER

AND NOW, this 27th day of June, 2022, upon consideration of Alvin Washington's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 2), and *pro se* Complaint (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Alvin Washington, #LX-3049, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Superintendent of SCI Houtzdale or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Washington's inmate account; or (b) the average monthly balance in Washington's inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Washington's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Washington's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Houtzdale.
4. The Complaint is **DEEMED** filed.
5. Washington's Complaint is **DISMISSED WITH PREJUDICE** against Defendant United States for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum.
6. The Clerk of Court is **DIRECTED** to terminate the United States as a Defendant.
7. The remainder of Washington's Complaint is **STAYED**, pursuant to the abstention doctrine of *Younger v. Harris*, 401 U.S. 37 (1971) until Washington informs the Court that his motion to recover the value of his car has been finally resolved, including all appeals. Following resolution of that motion, Washington may file a motion to reopen this matter.
8. The Clerk of Court is **DIRECTED** not to issue a summons until further order from this Court.
9. The Clerk of Court is **DIRECTED** to **CLOSE** this case for statistical purposes.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER, J.